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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,336	01/30/2002	Guy Tiphane	9623V-027910	9840

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EXAMINER	
WONG, ALLEN C	

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/066,336	TIPHANE, GUY	
	Examiner	Art Unit	
	Allen Wong	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 18-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 18-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/22/06 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/22/06 have been fully read and considered but they are not persuasive.

Regarding lines 3-5 on page 7 of applicant's remarks, applicant requests that the examiner calls the applicant before issuing an Office Action. In response, the examiner is not required to call the applicant before every issuing an Office Action to the current application since it would place a burden to the examiner if the examiner were to call the applicant prior to writing up every single Office Action. However, the applicant is invited to contact the examiner to request for a telephonic interview during office hours.

Regarding lines 11-12 on page 7 of applicant's remarks, applicant argues that the combination of Anderson, Truetken and Ozaki is done by hindsight. The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction

based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding lines 18-21 on page 7 of applicant's remarks, applicant asserts that none of the references teach the user, on the camera side of the webcam, switching to recorded images. In column 2, lines 29-42 and column 5, lines 48-55, Ozaki discloses multiple sources or digital cameras that are used to provide at least one alternative image transmitted over the Internet, thus, Ozaki discloses the camera controller that can select one digital camera out of many digital cameras, wherein there can be many alternate images obtained from a source other than a live image captured by the digital camera. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Anderson, Truetken and Ozaki, as a whole, for easily executing remote image monitoring at convenient useful places to accomplish various surveillance tasks, as suggested by Ozaki's column 2, lines 9-14.

The test for obviousness is not whether the features of a secondary or third reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to combine the teachings of Anderson, Truetken and Ozaki, as a whole, for easily executing remote image monitoring at convenient useful places to accomplish various surveillance tasks, as suggested by Ozaki's column 2, lines 9-14.

Thus, the rejection of claims 1-12 and 18-27 is maintained.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-12 and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (6,567,122) and Truetken (6,493,324) in view of Ozaki (6,239,833).

Regarding claim 1, Anderson discloses a web cam system, comprising:

a digital camera for capturing an image of a scene (col.5, ln.47-52),

wherein said digital camera is configured to generate image data (col.5, ln.47-52 and fig.1, note digital camera generates image data),

wherein said digital camera is configured to be connected with a computer (fig.1, element 118), and

wherein said digital camera is configured to provide said image data to said computer (fig.1, note image data of object 112 is obtained and eventually sent to computer 118);

a computer program product comprising:

a computer useable medium having computer readable code embodied therein for causing the interfacing of said digital camera with said computer (fig.1, note computer has computer readable code which causes the computer to execute instructions from computer readable code stored in computer readable medium), said computer program product comprising:

an image capturing computer readable program code portion configured to cause said computer to effect the capturing of said image, wherein said image comprises still or video images (col.6, ln.5-19); and

an internet interfacing computer readable program code portion configured to cause said computer to effect the transmittal of said image data, for incorporation of said image data into a web cam page, to a web site hosting said web cam page (col.5, ln.47-55 and col.9, ln.51 to col.10, ln.4); and

wherein the view mode provides live images from the digital camera (col.6, ln.5-19 and fig.6).

Although Anderson does not specifically disclose the limitation an interlude switch configured to be connected with said digital camera, wherein said interlude switch is configured to be toggled between a view mode and an interlude mode. However, Truetken teaches that the emergence and existence of an interlude mode can occur in web phone and video conferencing telephony systems (col.4, ln.59 to col.5, ln.13; Truetken discloses that when there is an incoming call, there is an interruption or an interlude mode occurring, and after the user's is done with the call or decline the incoming call, then the multimedia application reverts back to its other task or mode, ie. normal view mode, before the interruption or interlude). Therefore, it would have been obvious to one of ordinary skill in the art to implement Truetken's invention into Anderson's method and system for hosting an internet web site with a digital camera for seamlessly integrating a multimedia IP telephony technology in helper applications like WEB phone, chat, conferencing, and streaming video (Truetken col.1, ln.35-40).

Anderson and Truetken do not specifically disclose wherein said interlude mode provides at least one alternate image from a source other than a live image captured by said digital camera. However, Ozaki teaches the camera controller that can select one digital camera out of many digital cameras, wherein there can be many alternate images obtained from a source other than a live image captured by the digital camera (col.2, ln.29-42 and col.5, ln.48-55; note there are multiple sources or digital cameras that are used to provide at least one alternative image transmitted over the Internet). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Anderson, Truetken and Ozaki, as a whole, for easily executing remote

image monitoring at convenient useful places to accomplish various surveillance tasks (Ozaki col.2, ln.9-14).

Note claims 2-6 and 25-27 have similar corresponding elements.

Regarding claims 7-9, Anderson does not disclose the interlude switch is mounted on a telephone base unit. However, Truetken teaches the option of placing a call and the option of accepting or declining a call (see fig.3 and 4 and note other options). Therefore, it would have been obvious to one of ordinary skill in the art to implement Truetken's invention into Anderson's method and system for hosting an internet web site with a digital camera for seamlessly integrating a multimedia IP telephony technology in helper applications like WEB phone, chat, conferencing, and streaming video (Truetken col.1, ln.35-40).

Regarding claim 10, Anderson discloses the preselected images are one of: still images, slide shows, video images, commercials, or images captured by another web cam system (col.5, ln.47-55).

Regarding claim 11, Anderson discloses preselected images are stored on the computer (col.5, ln.47-55).

Regarding claim 12, Anderson discloses the preselected images are stored at a remote site (col.5, ln.47-55).

Regarding claims 18-24, Anderson discloses a method of operating a web cam, comprising:

capturing images of a scene using a digital camera, and updating a web cam page in view mode (col.5, ln.47-52; note images are captured in a continuous manner to update the web cam page); and

replacing said images with prerecorded images, such that a viewer viewing said web cam page would see prerecorded images in place of captured images (col.5, ln.47-55 and col.9, ln.51 to col.10, ln.4; note images are internally stored and can be accessed by the viewer's request to see the prerecorded image data in place of the captured image data ascertained from the continuous updating of image data).

Although Anderson does not specifically disclose the limitation said web cam is configured to be toggled between a view and an interlude mode and stopping the capturing of images by said web cam when said interlude switch is in its interlude mode. However, Truetken teaches that the emergence and existence of an interlude mode can occur in web phone and video conferencing telephony systems (col.4, ln.59 to col.5, ln.13; Truetken discloses that when there is an incoming call, there is an interruption or an interlude mode occurring, and after the user's is done with the call or decline the incoming call, then the multimedia application reverts back to its other task or mode, ie. normal view mode, before the interruption or interlude). Therefore, it would have been obvious to one of ordinary skill in the art to implement Truetken's invention of interluding into Anderson's method and system for hosting an internet web site with a digital camera for seamlessly integrating a multimedia IP telephony technology in helper applications like WEB phone, chat, conferencing, and streaming video (Truetken col.1, ln.35-40).

Anderson and Truetken do not specifically disclose wherein said interlude mode provides at least one alternate image from a source other than a live image captured by said digital camera. However, Ozaki teaches the camera controller that can select one digital camera out of many digital cameras, wherein there can be many alternate images obtained from a source other than a live image captured by the digital camera (col.2, ln.29-42 and col.5, ln.48-55; note there are multiple sources or digital cameras that are used to provide at least one alternative image transmitted over the Internet). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Anderson, Truetken and Ozaki, as a whole, for easily executing remote image monitoring at convenient useful places to accomplish various surveillance tasks (Ozaki col.2, ln.9-14).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Allen Wong
Primary Examiner
Art Unit 2621

AW
6/12/06